

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS NOV -9 PM 2:10
DEL RIO DIVISION

WESTERN DISTRICT COURT
WESTERN DISTRICT OF TEXAS

dg

THE STATE OF TEXAS, §
Plaintiff, §
§
v. §
§
U.S. DEPARTMENT OF HOMELAND §
SECURITY, ALEJANDRO §
MAYORKAS, in his official capacity as §
Secretary of the U.S. Department of §
Homeland Security, U.S. CUSTOMS & §
BORDER PROTECTION, U.S. §
BORDER PATROL, TROY A. §
MILLER, in his official capacity as §
Acting Commissioner for U.S. Customs §
& Border Protection, JASON OWENS, §
in his official capacity as Chief of U.S. §
Border Patrol, and JUAN BERNAL, in §
his official capacity as Acting Chief §
Patrol Agent, Del Rio Sector U.S. Border §
Patrol §
§
Defendants. §

Civil Action No. DR-23-CV-00055-AM

ORDER

It is **ORDERED** that, pursuant to Federal Rule of Civil Procedure 65(b)(2), the temporary restraining order issued on October 30, 2023 (TRO) (ECF No. 9) shall be extended beyond November 13, 2023, for 14 days to allow the Court more time to fully consider the parties' arguments and evidence;

It is **FURTHER ORDERED**, as a clarification, that the TRO is not limited to the city of Eagle Pass, Texas, but includes the vicinity of Eagle Pass, Texas as indicated in the Complaint;

It is **FURTHER ORDERED** that a second in-person preliminary injunction hearing be held before this Court to discuss all pending issues, including the matters discussed below;

It is **FURTHER ORDERED** that the parties at the second hearing be joined by individuals with authority to answer and give final consent on any matter;

It is **FURTHER ORDERED** that the parties consult each other to identify mutually convenient dates and times for the second hearing, and to inform the Court of same by November 13, 2023;

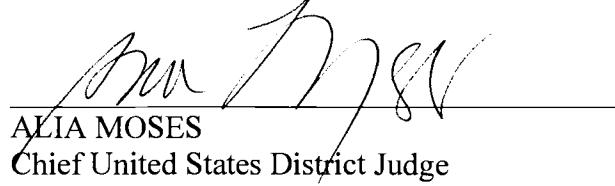
It is **FURTHER ORDERED** that the parties provide supplemental briefs concerning the Plaintiff's Administrative Procedure Act (APA) claims, as well as legal definitions of the words "inspect," "interrogate," "admit," "apprehend," "examine," "remove," "transfer," "detain," "detect," "interdict," "arrest," "process," "policy," "procedure," and "notice";

It is **FURTHER ORDERED** that the parties provide to the Court any and all documents, including but not limited to reports and emails, among United States Border Patrol, especially the Del Rio Sector agents, regarding or referencing the Plaintiff's concertina wire barriers or other barriers located in Maverick County, Texas, as well as any and all documents which regard or reference impediments to said agents' performance as a result of the barriers;

It is **FURTHER ORDERED** that the parties provide to the Court communications, including but not limited to emails, from and including March 6, 2021, through today regarding or referencing the Plaintiff's and the Defendants' cooperation on implementing, facilitating, managing, maintaining, damaging, destroying, or interfering with the Plaintiff's barriers, specifically the concertina wire barriers, along the Texas-Mexico border; and

It is **FURTHER ORDERED** that the parties file their supplemental briefs and foregoing evidence by the day of the second hearing.

SIGNED and ENTERED on this 9th day of November 2023,



ALIA MOSES
Chief United States District Judge